

Frequently Asked Questions About Sick Leave and Caring for Family Members

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1. For what purposes may I use sick leave?

- Personal medical needs. You may use sick leave when you:
 - are incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth; (2) receive medical, dental, or optical examination or treatment; or (3) would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by your presence on the job because of exposure to a communicable disease.
- Care of a family member. You may use sick leave to:
 - provide care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
 - provide care for a family member as a result of medical, dental or optical examination or treatment; or

- make arrangements necessitated by the death of a family member or attend the funeral of a family member.
- Adoption-related purposes. You may use sick leave for:
 - appointments with adoption agencies, social workers, and attorneys;
 - court proceedings;
 - required travel; or
 - to care for the adopted child as required by the adoption agency or court order.

2. Is leave used for the Family and Medical Leave Act (FMLA) the same as that used for family care purposes?

No. FMLA and sick leave for family care are two different types of leave with different purposes and limits. FMLA entitles covered employees a total of 12 workweeks of *unpaid* leave during any 12-month period for the following family and medical needs:

- the birth of a child and the care of that child;
- the placement of a child with you for adoption or foster care;
- the care of your **spouse, child, or parent** if that family member has a serious health condition; or
- a serious health condition that makes you unable to perform any of the essential functions of your job.

Sick leave for family care purposes has different entitlements and requirements as described below.

You may elect to substitute sick leave for family care for the unpaid for the unpaid FMLA leave, if the purpose for the leave meets the requirements of both the FMLA and sick leave for family care. You may elect to substitute annual leave for unpaid FMLA leave at any time.

3. Who is considered a family member for family care purposes?

Family members include:

- Spouse and spouse's parents;
- Children and their spouses;
- Parents;
- Brothers, sisters, and their spouses; and
- Any person whose association with you is equivalent to a family relationship.

4. When can I use sick leave for family care purposes?

There are distinctions between sick leave for *general-purpose* family care and sick leave for a family member's *serious health condition*. Each has different usage limits, as defined below.

You may use sick leave for *general-purpose* family care to:

- Care for a family member who is physically or mentally incapacitated due to a short-term illness or injury;
- Accompany a family member to a routine medical, dental, or optical examination; or
- Make funeral or related arrangements when a family member dies (also called bereavement leave).

You may also use sick leave to care for a family member with a *serious health condition*. The term “serious health condition” includes—but is not limited to—conditions like:

- Cancer
- Heart attack
- Stroke
- Severe injuries
- Alzheimer's disease
- Pregnancy and childbirth

You may be required to provide medical documentation to support your request for sick leave to care for a family member with a serious health condition.

Short-term conditions, such as those listed below, with brief treatment and recovery periods are not considered serious health conditions. They would be covered by sick leave for general-purpose family care, unless complications arose to create a serious health condition.

- The common cold
- The flu
- Earache
- Upset stomach
- Headache (other than migraine)
- Routine dental or orthodontic problems

5. How much sick leave may I use to care for a family member?

The amount of sick leave you may use varies depending on the reason for using it. You may use up to 40 hours of sick leave for family care per leave year, regardless of the purpose or your sick leave balance. (The leave year runs from pay period 1 through pay period 26. In some rare years, there is a 27th pay period in the leave year. Click [here](#) to access the pay periods for 2003.) With documentation, supervisors may advance all or part of the first 40 hours of sick leave for family care.

If your sick leave balance is 80 hours or more, you may exceed 40 hours of sick leave for family care in a leave year. To use additional hours, your sick leave balance must be 80

hours or more *when you take the additional hours*. If you have an 80-hour balance, you may use:

- Up to 104 hours per leave year—the first 40 plus 64 additional hours—of sick leave for *general-purpose* family care.
- Up to 480 hours per leave year—the first 40 plus 440 additional hours—of sick leave to care for a family member with a *serious health condition*.

Let's assume you've used 40 hours of sick leave for family care. If your sick leave balance drops below 80 hours—immediately or later in the year—you cannot use any more sick leave for family care until:

- The next leave year begins in early January, or
- You earn additional sick leave to bring your balance above 80 hours.

A word of caution: Total sick leave for family care used may not exceed 480 hours in a leave year, regardless of the purpose. You must subtract any sick leave used for general-purpose family care from the 480 hours available for a family member's serious health condition.

Please note that these limits are pro-rated for part-time employees.

6. Can you provide some examples of how these limits work in real-life situations?

Example 1: Let's assume your sick leave balance is currently 100 hours. You request 48 hours of sick leave for your deceased mother's visitation and funeral. Can the request be granted?

Answer 1: Leave to attend the visitation and funeral is a general-purpose use of sick leave for family care. You may use the first 40 hours of sick leave for family care regardless of your sick leave balance. This will take your sick leave balance down to 60 hours ($100 - 40 = 60$). Your sick leave balance is now below 80 hours. You cannot take more sick leave for family care until your sick leave balance is again above 80, or the next leave year begins. You must request annual leave or LWOP for the 8 additional hours for the visitation and funeral.

Example 2: Let's assume your sick leave balance is currently 600 hours. This leave year, you have already used 48 hours of sick leave for family care to attend your mother's visitation and funeral. You've also used 24 hours to take your children for their annual dental and optical check-ups. Now your children have the flu, and you request 36 hours of sick leave to care for them. Can the request be granted?

Answer 2: Leave for the visitation and funeral is a general-purpose use of sick leave, as is taking the children for routine check-ups. The flu is a short-term condition, so caring for your children is also a general-purpose use of sick leave. With a sick leave balance of 80 hours or more, you may use 104 hours of sick leave for family care per leave year for general purposes. Since you've already used 72 hours ($48 + 24 = 72$), you may only use 32 hours of sick leave ($104 - 72 = 32$) to care for your children. You must request annual leave or LWOP to cover the additional 4 hours to care for your children.

Example 3: Let's assume your sick leave balance is currently 600 hours. This leave year, you've used 72 hours of sick leave for family care to attend your mother's visitation and funeral. You've also used 32 hours to care for your children with the flu. Now your father has cancer and needs you to care for him. How much sick leave can you take to care for your father?

Answer 3: You have already used the full amount—104 hours—of general-purpose sick leave for family care available ($72 + 32 = 104$). At 600 hours, your sick leave balance is well above the minimum of 80 hours required to use additional hours. For a serious health condition—cancer—you could normally use 480 hours of sick leave for your father's care. But in this case, you must subtract the 104 general-purpose hours you already used. This is because *total* sick leave for family care may not exceed 480 hours in a leave year, regardless of the purpose. This leaves you with 376 hours ($480 - 104 = 376$) of sick leave available to use for your father's care.

7. I've already used up my entitlement to use sick leave for family care for the year, but I still need to care for a family member. May I use regular sick leave to cover the remaining time?

No. Sick leave for family care and regular sick leave are not interchangeable. While they both diminish your sick leave account, the purposes for using them differ. Appropriate uses of *regular* sick leave include:

- Your own physical or mental incapacitation.
- Your own medical, dental, or optical examination.
- Your own exposure to a communicable disease that causes your presence to jeopardize the health of others (as determined by a health care provider).
- Your own pregnancy and recovery from childbirth.
- Your adoption of a child when the absence is necessary for the adoption to proceed (see below).

8. I'm adopting a child. May I use sick leave for purposes related to the adoption?

You may use sick leave for the purposes related to adoption listed in questions 1. and 7., including bonding time *required* by the court or the adoption agency.

Please note that sick leave for adoption purposes is considered "regular" sick leave, not family care sick leave. For this reason, it is not subject to the limits outlined above for sick leave for family care.

9. My spouse and I just had a baby, and I would like to take some time off to bond with my child. May I use sick leave for that purpose?

Sick leave for family care is only appropriate if the child is ill or for the child's medical appointments. Using sick leave to bond with a healthy child is *not* appropriate. Leave under the FMLA would be appropriate in this case. FMLA leave for bonding would be either LWOP or annual leave and must be taken during the first year of the child's life. For more information on the FMLA, [click here](#).

During the mother's period of incapacitation after childbirth—usually 4 to 6 weeks—a family member may use sick leave for family care purposes to care for her. The mother's leave during this period of incapacitation would be regular sick leave.

10. How do I indicate the purpose for my sick leave?

Since sick leave for family care limits vary depending on the reason for the leave, it is very important to indicate your reason for using such leave. Your timekeeper needs this information in order to ensure that you don't exceed the limits. You can easily indicate the type of leave by completing block 4 of the OPM Form 71, Request for Leave or Approved Absence.

Under the sick leave section in block 4, there is a set of boxes for you to indicate the purpose of your leave:

- Purpose:**
- ☐ Illness/injury/incapacitation of requesting employee
 - ☐ Medical/dental/optical examination of requesting employee
 - ☐ Care of family member, including medical/dental/optical examination of family member, or bereavement
 - ☐ Care of family member with a serious health condition
 - ☐ Other

Marking one of the first two boxes indicates regular sick leave to cover your own medical needs. Marking the third box indicates a use of sick leave for general-purpose family care. Marking the fourth box indicates care for a family member with a serious health condition. The last box covers any other purpose not specifically listed—such as leave for adoption or exposure to a communicable disease.

11. What is the timekeeper's responsibility in tracking sick leave for different purposes?

The timekeeper must do the following to ensure employees do not exceed the sick leave limits:

- Ensure that employees *always* indicate their purpose for using sick leave.
- Post the time correctly on the timecard. Sick leave for family care has a different code (6262) than regular sick leave (62).
- Track sick leave for general-purpose family care and sick leave for serious health conditions separately to ensure the limits are not exceeded. This must be handled outside the time and attendance system. The Individual Leave Record (ILR) provides a mechanism for this tracking and is available in electronic and hard copy versions. Please contact the Pay and Leave staff for more information about this form.
- Contact the Pay and Leave staff if there are questions about how to post leave. Asking questions up-front may prevent corrections—and unhappy employees—later.

The supervisor who certifies the employee's timecard has ultimate responsibility for ensuring that everything on the timecard is posted correctly.

12. Where can I get more information?

For more information about FFSL, please contact the Pay and Leave staff at (304) 480-7430 or email Payroll@bpd.treas.gov.